

# Minutes

## Bar Harbor Town Council

March 4, 2008

- I. **CALL TO ORDER** – 7:00 P.M. – In attendance were Councilors: Ruth Eveland, Robert Garland, Paul Paradis, Ken Smith, Greg Veilleux, Robert Jordan, Jr.; and Town Manager Dana Reed.

A. **Excused Absence(s)** – Mr. Paradis, with second by Mr. Garland, moved to excuse Councilor Julia Schloss as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.

- II. **APPROVAL OF MINUTES – February 12, 2008** – Mr. Smith, with second by Mr. Garland, moved to approve the minutes of the February 12, 2008 regular meeting as presented. Motion passed 6-0.

- III. **ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Smith, moved to adopt the agenda as presented. Motion passed 6-0.

- IV. **FINANCIAL STATEMENTS** (*Customarily presented at the second meeting each month*)

- V. **PUBLIC HEARINGS:**

A. **Special Amusement Permit Renewals:**

1. **The Atlantic Oakes, 119 Eden Street, for a class 3ad, three or more musicians with mechanical amplification and dancing, as submitted by SONJIM Hotels, Inc., Richard B. Cough.** – There being no comments, Mr. Jordan, with second by Mr. Veilleux, moved to approve the Special Amusement permit renewal for The Atlantic Oakes as requested. Motion passed 6-0.
2. **The Thirsty Whale, 40 Cottage Street for a class 3a, three or more musicians with mechanical amplification, as submitted by The Thirsty Whale, Inc., Basil Eleftheriou, Jr.** – There being no comments, Mr. Smith, with second by Mr. Veilleux, moved to approve the Special Amusement permit renewal for The Thirsty Whale as requested. Motion passed 6-0.

- VI. **REGULAR BUSINESS:**

A. **Land Use Ordinance Amendment: Wireless Communication Facilities** – *The Town Code requires Council to certify that notice has been sent to the owners of land affected by a change of use.* – Mr. Paradis, with second by Mr. Garland, moved to sign the certification for the mailing list. Motion passed 6-0.

**B. Economic Development Task Force** – *Review of applications and possible appointment of members.* – Mr. Paradis nominated the following residents to the Economic Development Task Force:

1. Christopher Jones – Representing the Chamber of Commerce
2. Pat Samuel – Representing the B&B Association
3. Chris Vincenty – Representing the Merchants Association
4. John Kelly – Representing Acadia National Park
5. Barry Teater – Representing the Jackson Lab
6. David Towle – Representing the MDI Bio Lab

The slate of representatives as named were elected by unanimous vote.

Council requested staff to contact the remaining two applicants, James Houghton and Matthew Hougán, and inquire if they were eligible to be considered for one of the vacant representative seats.

**C. Cruise Ship Study Task Force:**

1. *Request for Town Council endorsement of a response to a recent USA Today article.* – Mr. Smith, with second by Mr. Veilleux, moved to endorse the response letter to the USA Today article as presented and authorize the Town Manager to sign it along with Chamber Executive Director Chris Fogg. Motion passed 6-0.
2. *Task Force recommendation that “the Town Council pursue a T105 compliant facility at the Town Pier” (T105 is a U.S. Department of Homeland Security rule regulating the loading and unloading of passenger vessels)* - Mr. Garland, with second by Mr. Veilleux, moved to authorize the Town Manager to seek T105 compliance for the Town Pier. Motion passed 6-0.

**D. FY08 Budget Transfer** – *Request of the Town Manager for a transfer of funds from the Contingency Account due to snow removal expenses.* – Mr. Smith, with second by Mr. Veilleux, moved to order that the Treasurer increase the Highway appropriation accounts listed in the amount of \$39,135 from monies remaining in the Contingency account, and further, to order that the Treasurer increase the Highway appropriation accounts listed in the amount of \$30,000 from monies in the Health Insurance Benefits account. Motion passed 6-0.

**E. Route 3 @ 102/198** – *Report of the Town Manager on MDOT plans for the traffic light at the head of the island.* – Town Manager Dana Reed gave an overview of the new proposal which is basically the same as the original with minor alteration to the County Road access and exit. The MDOT will

be holding a public hearing on the new proposal. The hearing date and location to be determined.

**F. MDOT Biennial Capital Work Plan** – *Request of the Maine Department of Transportation for input on its biennial capital work plan.* – Mr. Paradis, with second by Mr. Smith, moved to file the same MDOT biennial capital work plan request as in 2006 and to add the reconstruction of Route 233. Motion passed 6-0.

**G. Street Trees** – *Request of the Town Manager for authorization to apply for a Project Canopy Assistance Grant for street tree planting.* – Mr. Paradis, with second by Mr. Smith, moved to authorize the Town Manager to sign an application for a Project Canopy Assistance Grant for street tree planting. Motion passed 6-0.

**H. Homeland Security** – *Request of the Town Manager for permission to apply for Federal grants.* – Mr. Smith, with second by Mr. Paradis, moved to authorize the Town Manager to sign an application for a Homeland Security grant as outlined in the Police Chief's memo. Motion passed 6-0.

**I. Scenic Byways** – *Request of the Town Manager for permission to apply for a Federal grant.* – Mr. Paradis, with second by Mr. Veilleux, moved to authorize the Town Manager to sign an application for a Scenic Byways grant as outlined in the Planning Director's memo. Motion passed 6-0.

**J. Priority Projects** – *Status reports on Council's highest priority projects.*

**1. Eden St. Sidewalk** (*West Street to College*) – *Public Works Director* – Chip Reeves reported the project is in the State's hands and that the project is still in limbo.

**2. Scenic Vistas** – *Complete clearing of the Bluffs scenic vista and work with property owners in Halls Cove on same* – *Public Works Director* – Chip Reeves reported that he is having difficulties in finding a certified herbicide applicator that is willing to work on the slope of the bluffs. He will contact Acadia National Park to see if they can assist in the request.

**3. Assessing** –

**a. Progress as a result of hiring temporary help** – *Finance Director* – Stan Harmon reported that the Assessing Department was 40 to 50 days behind in October before the hiring of an assistant. He has provided a list of benchmarks in his monthly reporting. Foremost duties include the consolidation of assessing records and updating mapping which is vital to the reval process. The emphasis has been in completing all abatement requests. Mr. Harmon reported that it is the first time that he had a complete report of whom and how much was requested for

abatement. Completing the data is of great value and assists in identifying areas that are off in sale ratios and confirms areas on target.

- b. Work with League of Towns on sharing assessing services – Town Manager** – The Town Manager reported several towns are interested in sharing assessors. The topic for discussion is on the March League of Towns agenda.

- 4. Municipal Building Renovations – Finance Director – Stan Harmon** reported that we have received, hopefully, the final plans. The next step is for the engineers to take another look at the ventilation since the plans have changed a number of times since their last visit. Then, it is expected the plans will go out to bid and begin with the first phase, the south quadrant of the building.
- 5. School Crossing Improvement Grant – Planning Director – Anne Krieg** reported that applications are not available at this time, but she expects them soon.
- 6. Economic Development – Planning Director – Anne Krieg** reported as soon as the task force has a quorum they will assemble and set up a schedule. Informally, she and Chris Fogg, Chamber Executive Director, are working on educating people by getting out to business owners that an economic development district is available and must be driven by business owners. The report entitled, “Phase I” will be available online on both the Town and Chamber websites. She still plans to have Hyannis come and speak to business owners of their experience in developing an economic business district.
- 7. Cruise Ship Study Task Force – Planning Director – Anne Krieg** reported that they are a very active group. In addition to what they have brought forward to the Town Council, more is coming over the next few months.
- 8. Comprehensive Plan Implementation – Planning Director – Anne Krieg** reported a few items have been brought forward with the Cruise Ship Task Force and the Groundwater ordinance, but other duties have taken her away from solely working on the implementation.
- 9. Increase Support for Boards & Committees – Town Mgr. – Dana Reed** reported that he will be contacting the Chair soon in regards to contacting board members and setting up monthly meetings with the Town Council.
- 10. Community Forum on Form of Government – Council Chair – Ruth Eveland** will bring forth questions and concerns for Town

Council to discuss in April. Her plan is to develop a means of receiving feedback from residents of concerns or satisfaction.

**K. Council Goals** – *Status report by Town Manager.* - The packet for the meeting included the list of goals and the progress on each.

**L. School Reorganization** – *Status report by Council's representative to the Reorganization Planning Committee, Councilor Bob Garland.* – Councilor Garland reported no changes at this time, and still waiting for something to happen at the legislative level.

**M. Ethics Ordinance** – *Report of Ethics Commission Chair Ruth Eveland on Commission recommendations regarding ordinance changes.* – Following a brief discussion, Mr. Paradis, with second by Mr. Garland, moved that the Town Manager contact the Town Attorney for the purpose of evaluating the memo to Council from Ruth Eveland, Ethics Commission Chair, dated February 28, 2008. Motion passed 6-0.

**N. Quit Claim Deed** – *Request of the Tax Collector for Council to authorize the Town Manager to sign a release deed to Leonard Hirsh for property at 47 Foxfields Farm Road, Tax Map # 226-008-000.* – Mr. Smith, with second by Mr. Veilleux, moved that the Town Council, representing the inhabitants of Bar Harbor, does hereby authorize the Town Manager to sign a quit-claim deed for the property of Leonard Hirsh, located at 47 Foxfields Farm Road, Tax Map 226-008-000. Motion passed 6-0.

**O. Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Mr. Smith, moved to sign the Treasurer's warrant for paid bills. Motion passed 6-0.

## VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

**Mr. Jordan** once again expressed his appreciation to Chip Reeves and the highway crew for their valiant effort in snow removal. Thank you does not seem to be enough.

**Mr. Veilleux** in addition to agreeing with Mr. Jordan's sentiments, complimented Phil Sanborn, Flip, for his driving skills as he maneuvered the plow truck down Ledge lawn Avenue on Sunday morning while church was in session.

**Mr. Paradis** complimented Code Enforcement Officer Angela Chamberlain and the Fire Chief on a job well done in the cleanup of Fred Black's property.

He also, inquired about Earl Brechlin's editorial on the YMCA issue going to a referendum vote – was that possible? Town Manager Dana Reed replied that it is possible, although, it would require a Charter change. Currently, the municipal budget is required to be voted on in one lump sum.

He commented, he noticed that on this agenda there were requests to pursue grants, and inquired if that is required or simply to keep Council informed. He stated that he would not want the need for Council action preventing the Town from seeking a grant because of timing issues.

#### **VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION:**

**A. Bridge Street** – *Consideration of the acquisition or disposal of real property or rights therein. (To be held in executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the Town.)* – At 9:16 p.m., Mr. Paradis, with second by Mr. Smith, moved to go into executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the town. Motion passed 6-0. Following a brief break, Council entered into executive session at 9:25 p.m. Council came out of executive session at 9:40 p.m. Following discussion, Mr. Paradis, with second by Mr. Smith, moved that the Town clarify title to Bridge Street by seeking to acquire a fee interest in Bridge Street in accordance with 23 MRSA § 3022 and §3023 – establishing the town way on Bridge Street by eminent domain – and to pursue discontinuance of Bridge Street as laid out in 1871 and accepted in 1879 in accordance with 23 MRSA § 3026, and direct staff to prepare an order to place an article on the warrant for the June, 3, 2008 Town Meeting. Further, to direct staff to develop a mailing for the Bridge Street residents, followed by a neighborhood meeting hosted by the Public Works Director and/or the Planning Director. Motion passed 6-0.

**B. Economic Development** – *Consideration of economic development. (To be held in executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information could prejudice the competitive or bargaining position of the Town.).* – Mr. Smith, with second by Mr. Paradis, moved to go into executive session at 9:45 p.m. as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the town. Motion passed 6-0. Council came out of executive session at 10:28 p.m.

**IX. ADJOURNMENT** – Mr. Smith, with second by Mr. Veilleux, moved to adjourn at 10:29 p.m. Motion passed 6-0.

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Paul Paradis, Secretary